

Packet

Subpoena and Certificate of Appearance

Overview

A **Subpoena** is a court order that can require

- The **other party** in your case, or
- Any other person you feel has information important to the case (**witness**)

Do any of the following things:

- Appear and testify in a court proceeding, or
- Send or take particular documents, books, records or other evidence in their possession to court.

Fees: In addition to any fees you may incur by having the other party or a witness served, you must pay a **witness** \$16.00 per day (whether for 8 minutes or 8 hours) plus \$.20 for each mile they have to travel from their home to the place you are requesting their appearance (courthouse). If the witness is traveling from outside Wisconsin, mileage begins from the point they cross the state line. **It is your responsibility to calculate the fees.** The fees are paid to the witness at the time of service.

Procedural Checklist

1. ☐ Complete the **Subpoena and Certificate of Appearance** form according to the instructions in the next section.
2. ☐ You may go to the Court Self-Help Center, Courthouse Room C-108, to have your form reviewed for completeness.
3. ☐ Go to the Customer Service window of the Family Court Office (Courthouse, Room C-112) to obtain the *Issuing Official's* signature and date.
4. ☐ Make at least two (2) additional copies. Copies can be made in the Court Self-Help Center, Room C-108, for a fee.
5. ☐ Make arrangements to have a *copy* (not the original) personally served on the other party(s) or witness. Do not forget to **include the fee/payment** to the **witness**.

Deadline: The person you are having subpoenaed must be served with the forms **no later than ten (10) business days before the date of the hearing**.

For more information about how to have the other party served, you may review and/or purchase the **Service Packet** in the Court Self-Help Center.

6. ☐ The person serving the **Subpoena** on the other party or witness must complete the "Service Information" section on the original and all copies of the **Subpoena** form.
7. ☐ After you have served the other party(s) and/or the witness(s) you **MUST** file the original **Subpoena** form in the Family Court Office (Courthouse, Room C-112) as soon as possible.
8. ☐ **If you subpoenaed an individual who is NOT the other party in the action**, you must also send a copy of the Subpoena to the other party in the action.

Line-by-Line Form Instructions

1. Write the name of the County in which you are appearing for court.
2. **Case Caption:** Write the names of the parties in the same order they appeared at the time of the final judgment. Once the petitioner always the petitioner. For example,

Jane A. Doe
vs.
John H. Doe

Enter your case number from your original Divorce or Paternity.

3. Below the ► write the name and address of the person you are subpoenaing.
4. The Service Information box must be completed by the agency or person you are having serve the subpoena.
5. **Appearance Information:**
- ☐ Write in your court date, time, and location (including room number). Insert the following for location:
Waukesha County Courthouse, Rm. _____
515 W. Moreland Blvd.
Waukesha, WI 53188
 - ☐ Write the name of the court official who is scheduled to hear the case.
 - ☐ Write your name on the bottom line. You are the person on whose behalf they are appearing.
 - ☐ Write in the type of proceeding (Ex: motion hearing, divorce trial, review hearing, etc).
6. Mark an **X** in the first box if you want the person to bring items with him/her to court. List below the **specific** items he/she must bring to court.
7. Mark an **X** in the second box if you are subpoenaing someone who is not a party to the action.
8. Write in your name, title, telephone number, and address so that the witness may contact you with questions.

STATE OF WISCONSIN, CIRCUIT COURT, _____ COUNTY

For Official Use

Case Caption:

**Subpoena and Certificate
of Appearance**

Case No. _____

The State of Wisconsin to (Witness Name and Address):
▶**Service Information**

Date Served	Time Served	Fee Charged \$
Manner of Service <input type="checkbox"/> Personal <input type="checkbox"/> Substitute: _____		Witness Fee Enclosed \$
Serving Agency		
Served By (Signature)		

You are required to appear and give evidence:**APPEARANCE INFORMATION**

Date	Time	Location (Include Room Number)
Presiding Official		
On Behalf Of	Type of Proceeding	

☐ You are further required to bring with you the following:☐ This is a third-party subpoena. Unless all parties agree otherwise, do not provide any requested items before the date and time of the above proceeding.**Failure to appear may result in punishment for contempt, which may include monetary penalties, imprisonment and other sanctions.**

If you have any questions about this subpoena, please contact:		Issuing Official	
Name (Type or Print)		By:	
Title	Telephone Number	_____	
Address		Signature	
		Date	
If you need help in this matter because of a disability, please call:			

For Court Use Only

Witness Information		Witness Certificate of Appearance	
Telephone Number	Date Witness Appeared	Mileage	
Address Correction	Signature of Witness		